

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

EDWARD FITZGERALD,

Plaintiff,

-against-

THE CITY OF ROCHESTER, “JOHN DOE POLICE OFFICERS “1–200”, (names and number of whom are unknown at present), PAUL ROMANO, COUNTY OF MONROE, TODD BAXTER, “RICHARD ROE SHERIFF’S DEPUTIES 1-200” (names and number of whom are unknown at present), and other unidentified members of the Rochester Police Department and Monroe County Sheriff’s Office,

Defendants.

**DECLARATION IN
SUPPORT OF MOTION
TO DISMISS**

Case No. 22-cv-6067

Pursuant to 28 U.S.C. §1746, Maria E. Rodi, declares as follows:

1. I am a Senior Deputy County Attorney acting of counsel to County Attorney John P. Bringewatt, attorney of record for the defendants, the County of Monroe, Todd Baxter and “Richard Roe” Monroe County Sheriff’s Deputies 1-200, hereinafter referred to jointly as the County Defendants, and I am fully familiar with the facts and circumstances of this action.

2. I submit this declaration in support of the County Defendants’ motion pursuant Fed. R. Civ. P. Rule 12(b)(6) seeking dismissal of the Complaint as against the County Defendants, with prejudice.

3. Annexed hereto as **Exhibit A** is the Amended Complaint filed by the plaintiff in this action.

4. For the reasons set forth in the accompanying memorandum of law, the Amended Complaint should be dismissed with prejudice as against the County Defendants.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 31, 2022

s/ Maria E. Rodi

Maria E. Rodi